

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MARK LEO

Plaintiff,

Civil Case No.5:06-cv-1530  
(GTS/ATB)

-vs-

NEW YORK STATE DEPARTMENT OF  
HEALTH, ONONDAGA COUNTY DEPARTMENT  
OF SOCIAL SERVICES, DAVID SUTKOWY,  
ONONDAGA COUNTY DEPARTMENT OF  
LONG TERM CARE SERVICES,  
ROBERTA A. SPRAGUE, and  
RICHARD F. DAINES

Defendants.

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Legal Services of Central New York  
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Andrew M. Cuomo, Attorney General  
of the State of New York  
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Emil J. Bove, Esq., AAG

HON. GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

On April 5, 2007, Mark Leo (“Plaintiff”) filed an Amended Complaint in this civil rights action, asserting claims against the New York State Department of Health, Onondaga County Department of Social Services, David Sutkowy, Onondaga County Department of Long Term Care Services, Roberta A. Sprague, and Richard F. Daines. (“Defendants”). (Dkt. No. 9.) On April 24, 2007 and April 30, 2007, New York State Department of Health, Onondaga County Department of Social Services, David

Sutkowy, Onondaga County Department of Long Term Care Services, Roberta A. Sprague, and Richard F. Daines appeared in this action by filing their Answers to the Amended Complaint. (Dkt. Nos. 21 & 24.)

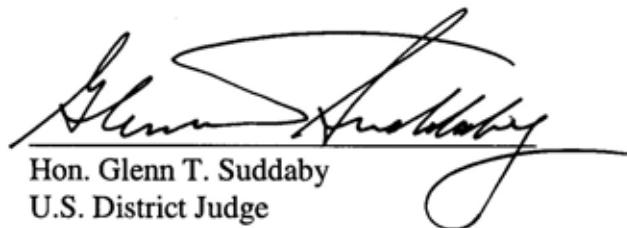
On January 22, 2010, Defendants' counsel filed a suggestion of death pursuant to Fed. R. Civ. P. 25, advising the Court that Plaintiff passed away on December 30, 2009. (Dkt. No. 56.) On February 12, 2010, Defendants' counsel served the suggestion of death on Steve Leo, Plaintiff's next of kin, by first class mail. (Dkt. No. 60.) As of the date of this Decision and Order, no party or successor or representative of Plaintiff has made a motion for substitution, or requested an extension of the deadline by which to file such a motion.

**ACCORDINGLY**, it is

**ORDERED** that Plaintiff's Amended Complaint (Dkt No. 9) is **DISMISSED** pursuant to Fed. R. Civ. P. 25(a).

The Clerk is directed to enter Judgment in favor of Defendants and close this action.

Dated: May 17, 2010  
Syracuse, NY



Hon. Glenn T. Suddaby  
U.S. District Judge